

REMARKS

Claim 1 is amended to add patentable structure not anticipated by the Plank reference. Plank teaches no containment or conduction of gases of combustion through an attached conduit. Therefore, claim 1 and claims dependent therefrom are allowable.

Similarly, the amendment to claim 1 overcomes the obviousness rejection. Furthermore, combining the Troutman and Chinn reference is improper. The Examiner points to no disclosure in Chinn as to a concentric hopper. Therefore, Chinn should not be combined with Troutman. The Examiner recites no teachings from Troutman and/or Chinn related to the need for and structure to contain and conduct gases of combustion for further treatment. Therefore, claim 1 is not obvious. Claim 1 is allowable. Therefore, dependent claim 2 is allowable.

Claim 3 has been amended as requested and in condition for allowance. Claim 4, dependent from claim 3 is, therefore, also allowable.

Claims 6 and 7 have been clarified regarding the production and reduction of moisture in the gases of combustion.

Claim 5 has been amended to add patentable structure. The orchard heaters of Troutman and Chinn teach to desire to contain and conduct gases of combustion for further treatment. Troutman and Chinn are orchard heaters which permit the uncontained gases of combustion to disperse above the heater to warm the surrounding environment. The gas conduit of claim 5 as disclosed and described in the drawings and the written specification is unlike Troutman and Chinn and is, therefore, allowable.

Claim 11 has been amended to recite structure patentable over the Porak and Jackson references.

Claim 12 has been amended to incorporate the language of previously underlying claim 11. Claim 12 is, therefore, allowable. Claims 13-15 dependent from claim 12 are therefore also allowable.

New claims 16-20 were added July 7, 2008, but not addressed by the Examiner.
Applicant requests allowance of claims 16-20.

Applicant requests allowance of claims 1-20.

Dated: January 15, 2009.

Respectfully submitted,
By: s/Todd E. Zenger/
Todd E. Zenger
Attorney for Applicant
Registration No. 33,610

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Phone: (801) 328-3600
Fax: (801) 321-4893
CUSTOMER NO: 21999

1116401.1